



Reprinted  
February 26, 2007

## SENATE BILL No. 339

DIGEST OF SB 339 (Updated February 26, 2007 4:03 pm - DI 110)

**Citations Affected:** IC 7.1-1; IC 7.1-3; IC 7.1-5; IC 35-46.

**Synopsis:** Alcoholic beverage matters. Defines "grocery store" for purposes of the law concerning alcohol and tobacco. Allows the alcohol and tobacco commission (ATC) to renew or transfer ownership of a beer dealer's permit for a beer dealer who: (1) held a permit before July 1, 2007; and (2) does not qualify for a permit as a grocery store. Requires a liquor dealer permittee (other than a package liquor store) to: (1) display alcohol in a clearly designated area where the presence of a minor is prohibited without a parent or guardian who is at least 21 years of age; or (2) meet other security measures concerning the display of liquor. Requires the ATC to: (1) conduct random unannounced inspections of locations where alcoholic beverages are sold or distributed; and (2) investigate the desirability of a permit in regard to the potential geographic location of the permit. Allows a person at least 18 years of age and less than 21 years of age to receive or purchase alcoholic beverages as part of an enforcement action. Reduces the number of beer dealer permits authorized by the quota that may be issued within certain cities or towns. Eliminates residency requirements for dealers. Provides for graduated civil penalties against a permittee for repeat violations of furnishing alcohol to a minor on the licensed premises and for the collected penalties to be deposited in the enforcement and administration fund.

**Effective:** July 1, 2007.

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**Riegsecker, Alting**

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January 11, 2007, read first time and referred to Committee on Rules and Legislative Procedure.

February 8, 2007, amended; reassigned to Committee on Commerce, Public Policy & Interstate Cooperation.

February 22, 2007, reported favorably — Do Pass.

February 26, 2007, read second time, amended, ordered engrossed.

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SB 339—LS 7125/DI 13+



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February 26, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 339

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 7.1-1-3-18.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2007]: **Sec. 18.5. (a) "Grocery store" means**  
4 **a store or part of a store that:**

5 (1) **has the primary North American Industry Classification**  
6 **System (NAICS) classification 445110, 445299 (gourmet food**  
7 **stores), 452910, 445120, or 447110; or**

8 (2) **offers for sale all of the following:**

9 (A) **Fine wines.**

10 (B) **Specialty beers.**

11 (C) **Gourmet cooking and wine accessories.**

12 (D) **Meats.**

13 (E) **Cheeses.**

14 (F) **Packaged specialty foods.**

15 (b) **The term does not include a store or part of a store that has**  
16 **the primary North American Industry Classification System**  
17 **(NAICS) classification 447190.**

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SECTION 2. IC 7.1-3-5-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. Notwithstanding IC 7.1-1-3-18.5, the commission may renew or transfer ownership of a beer dealer's permit for a beer dealer who:**

- (1) held a permit before July 1, 2007; and**
- (2) does not qualify for a permit as a grocery store under IC 7.1-1-3-18.5.**

SECTION 3. IC 7.1-3-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7. (a) The holder of a liquor dealer's permit shall be entitled to purchase liquor only from a permittee entitled to sell to a liquor dealer under this title.**

**(b) A liquor dealer shall be entitled to possess liquor and sell it at retail in its original package to a customer only for consumption off the licensed premises.**

**(c) This subsection does not apply to a package liquor store. Except as provided in subsection (d), liquor shall be displayed in a designated area. A minor may not enter the designated area without a parent or guardian who is at least twenty-one (21) years of age.**

**(d) The holder of a liquor dealer's permit is not required to comply with subsection (c) if the holder of the liquor dealer's permit uses at least one (1) of the following security measures:**

- (1) The liquor is displayed behind a retail counter or in a locked display case.**
- (2) Each bottle of liquor for sale on the licensed premises has a security cap if the bottle of liquor is capable of having a security cap.**
- (3) The liquor is displayed adjacent to a drug store counter.**
- (4) The area in which the liquor is displayed is under video surveillance.**

~~(e)~~ **(e)** A liquor dealer may deliver liquor only in permissible containers to a customer's residence or office in a quantity that does not exceed twelve (12) quarts at any one (1) time. However, a liquor dealer who is licensed under IC 7.1-3-10-4 may deliver liquor in permissible containers to a customer's residence, office, or designated location. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

~~(f)~~ **(f)** A liquor dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron

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who is outside the licensed premises. However, a liquor dealer that is a drug store may sell prescription drugs and health and beauty aids through a window in the licensed premises to a patron who is outside the licensed premises.

SECTION 4. IC 7.1-3-19-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 10.5. (a) Upon application for a new permit or transfer of a location of an existing permit, the commission shall investigate the desirability of the permit in regard to the potential geographical location of the permit.**

**(b) In investigating the desirability of the permit under subsection (a), the commission may consider the following:**

- (1) The need for the services at the requested location of the permit.**
- (2) The desire of the neighborhood or the community to receive the services.**
- (3) The impact of the services on other business in the neighborhood or community.**
- (4) The impact of the services on the neighborhood or community.**

SECTION 5. IC 7.1-3-21-3, AS AMENDED BY P.L.165-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The commission shall not issue:

- (1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type; or
- (2) a liquor wholesaler's permit;

to a person who has not been a continuous and bona fide resident of Indiana for five (5) years immediately preceding the date of the application for a permit.

SECTION 6. IC 7.1-3-21-4, AS AMENDED BY P.L.165-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The commission shall not issue:

- (1) a liquor wholesaler's permit; or
- (2) an alcoholic beverage retailer's ~~or dealer's~~ permit;

of any type to a partnership unless each member of the partnership possesses the same qualifications as those required of an individual applicant for that particular type of permit.

SECTION 7. IC 7.1-3-21-5, AS AMENDED BY P.L.165-2006, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The commission shall not issue:

- (1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type; or

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(2) a liquor wholesaler's permit;  
to a corporation unless sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a liquor wholesaler's permit to a corporation unless at least one (1) of the stockholders shall have been a resident, for at least one (1) year immediately prior to making application for the permit, of the county in which the licensed premises are to be situated.

(c) Each officer and stockholder of a corporation shall possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 8. IC 7.1-3-21-5.2, AS AMENDED BY P.L.165-2006, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.2. (a) The commission shall not issue:

(1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type;  
or

(2) a liquor wholesaler's permit;  
to a limited partnership unless at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a liquor wholesaler's permit to a limited partnership unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a partnership interest has been a resident of the county in which the licensed premises are to be situated.

(c) Each general partner and limited partner of a limited partnership must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 9. IC 7.1-3-21-5.4, AS AMENDED BY P.L.165-2006, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.4. (a) The commission shall not issue:

(1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type;  
or

(2) a liquor wholesaler's permit;  
to a limited liability company unless at least sixty percent (60%) of the membership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a liquor wholesaler's permit to a limited liability company unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a membership interest has been a resident of the county in

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which the licensed premises are to be situated.

(c) Each manager and member of a limited liability company must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 10. IC 7.1-3-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The provisions of sections 4, 5, 5.2, and 5.4 of this chapter concerning retail ~~and dealer~~ partnerships, corporations, limited partnerships, and limited liability companies shall not apply to the issuance of:

- (1) a dining car permit;
- (2) ~~a~~ boat permit;
- (3) ~~a~~ drug store permit;
- (4) ~~a~~ grocery store permit;
- (5) ~~a~~ hotel permit;
- (6) ~~an~~ airplane permit;
- (7) an excursion and adjacent landsite permit;
- (8) a horse track permit;
- (9) a satellite facility permit; or
- (10) a retail permit to an establishment:
  - (A) that is sufficiently served by adequate law enforcement at its permit location; and
  - (B) whose annual gross food sales at the permit location:
    - (i) exceed one hundred thousand dollars (\$100,000); or
    - (ii) in the case of a new application and as proved by the applicant to the local board and the commission, will exceed two hundred thousand dollars (\$200,000) by the end of the two (2) year period from the date of the issuance of the permit.

(b) The commission shall not issue a permit listed in subsection (a) to a foreign:

- (1) corporation;
- (2) limited partnership; or
- (3) limited liability company;

that is not duly qualified to do business in Indiana.

SECTION 11. IC 7.1-3-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. ~~Dealers' Permits Limited.~~ (a) The commission may grant: ~~only~~

- (1) one (1) beer dealer's permit in an:
    - (A) **incorporated city or town that has a population of less than fifteen thousand one (15,001); or**
    - (B) **unincorporated town;**
- for each one thousand five hundred (1,500) persons, or**

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fraction thereof, within the incorporated city or town described in clause (A) or the unincorporated town;

(2) in an incorporated city or town that has a population of more than fifteen thousand (15,000) but less than eighty thousand (80,000):

(A) one (1) beer dealer's permit for each three thousand (3,000) persons, or a fraction thereof; or

(B) ten (10) beer dealer's permits;

whichever is greater, within the incorporated city or town;

(3) in an incorporated city or town that has a population of at least eighty thousand (80,000):

(A) one (1) beer dealer's permit for each five thousand (5,000) persons, or a fraction thereof; or

(B) twenty-seven (27) beer dealer's permits;

whichever is greater, within the incorporated city or town; and one (+)

(4) one (1) liquor dealer's permit in an incorporated city, town, or unincorporated town for each one thousand five hundred (1,500) persons, or fraction thereof, within the incorporated city, town, or unincorporated town.

(b) Notwithstanding subsection (a), the commission may renew or transfer a beer dealer's for a beer dealer who:

(1) held a permit before July 1, 2007; and

(2) does not qualify for a permit under the quota restrictions in subsection (a).

SECTION 12. IC 7.1-5-7-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. The commission shall conduct random unannounced inspections at locations where alcoholic beverages are sold or distributed to ensure compliance with this title. Only the commission, an Indiana law enforcement agency, the office of the sheriff of a county, or an organized police department of a municipal corporation may conduct the random unannounced inspections. These entities may use retired or off duty law enforcement officers to conduct inspections under this section.

SECTION 13. IC 7.1-5-7-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) Notwithstanding any other law, an enforcement officer vested with full police powers and duties may engage a person who is:

(1) at least eighteen (18) years of age; and

(2) less than twenty-one (21) years of age;

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to receive or purchase alcoholic beverages as part of an enforcement action under this article.

(b) The initial or contemporaneous receipt or purchase of an alcoholic beverage under this section by a person described in subsection (a) must:

(1) occur under the direction of an enforcement officer vested with full police powers and duties; and

(2) be a part of the enforcement action.

SECTION 14. IC 35-46-1-10.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.1. (a) If a permittee or an agent or employee of a permittee violates IC 7.1-5-7-8 on the licensed premises, in addition to any other penalty, a civil judgment may be imposed as follows:

(1) If the licensed premises at that specific business location has not been issued a citation or summons for a violation of this section in the previous ninety (90) days, a civil penalty of one hundred fifty dollars (\$150).

(2) If the licensed premises at that specific business location has had one (1) citation or summons issued for a violation of this section in the previous ninety (90) days, a civil penalty of two hundred fifty dollars (\$250).

(3) If the licensed premises at that specific business location has had two (2) citations or summonses issued for a violation of this section in the previous ninety (90) days, a civil penalty of five hundred dollars (\$500).

(4) If the licensed premises at that specific business location has had three (3) or more citations or summonses issued for a violation of this section in the previous ninety (90) days, a civil penalty of seven hundred fifty dollars (\$750).

A permittee may not be issued a citation or summons for a violation of this section more than once every twenty-four (24) hours.

(b) The defenses set forth in IC 7.1-5-7-5.1 are available to a permittee in an action under this section.

(c) Unless a person less than twenty-one (21) years of age buys or receives an alcoholic beverage under the direction of a law enforcement officer as part of an enforcement action, a permittee that sells alcoholic beverages is not liable for a violation of this section unless the person less than twenty-one (21) years of age who bought or received the alcoholic beverage is charged for violating IC 7.1-5-7-7.

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- 1       (d) All civil penalties collected under this section shall be  
2       deposited in the alcohol and tobacco commission's enforcement  
3       and administration fund under IC 7.1-4-10.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill No. 339, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Commerce, Public Policy & Interstate Cooperation.

(Reference is to SB 339 as introduced.)

LONG, Chairperson

## COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 339, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 339 as printed February 9, 2007.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 7, Nays 3.

## SENATE MOTION

Madam President: I move that Senator Alting be added as second author of Senate Bill 339.

RIEGSECKER

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## SENATE MOTION

Madam President: I move that Senate Bill 339 be amended to read as follows:

Page 1, line 3, after "Sec. 18.5." insert "(a)".

Page 1, line 6, after "445110," insert "**445299 (gourmet food stores),**".

Page 1, between lines 14 and 15, begin a new paragraph and insert:

**"(b) The term does not include a store or part of a store that has the primary North American Industry Classification System (NAICS) classification 447190."**

Page 2, line 14, delete "Liquor" and insert "**Except as provided in subsection (d), liquor**".

Page 2, line 14, delete "separated from the" and insert ".".

Page 2, line 15, delete "area where nonalcoholic retail merchandise is displayed."

Page 2, line 17, delete "The designated area".

Page 2, delete lines 18 through 21, begin a new paragraph and insert:

**"(d) The holder of a liquor dealer's permit is not required to comply with subsection (c) if the holder of the liquor dealer's permit uses at least one (1) of the following security measures:**

**(1) The liquor is displayed behind a retail counter or in a locked display case.**

**(2) Each bottle of liquor for sale on the licensed premises has a security cap if the bottle of liquor is capable of having a security cap.**

**(3) The liquor is displayed adjacent to a drug store counter.**

**(4) The area in which the liquor is displayed is under video surveillance."**

Page 2, line 22, delete "(d)" and insert "(e)"

Page 2, line 31, delete "(e)" and insert "(f)".

Page 2, between lines 36 and 37, begin a new paragraph and insert:

**"SECTION 4. IC 7.1-3-19-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.5. (a) Upon application for a new permit or transfer of a location of an existing permit, the commission shall investigate the desirability of the permit in regard to the potential geographical location of the permit.**

**(b) In investigating the desirability of the permit under subsection (a), the commission may consider the following:**

**(1) The need for the services at the requested location of the permit.**

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**(2) The desire of the neighborhood or the community to receive the services.**

**(3) The impact of the services on other business in the neighborhood or community.**

**(4) The impact of the services on the neighborhood or community.**

SECTION 5. IC 7.1-3-21-3, AS AMENDED BY P.L.165-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The commission shall not issue:

(1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type;

or

(2) a liquor wholesaler's permit;

to a person who has not been a continuous and bona fide resident of Indiana for five (5) years immediately preceding the date of the application for a permit.

SECTION 6. IC 7.1-3-21-4, AS AMENDED BY P.L.165-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The commission shall not issue:

(1) a liquor wholesaler's permit; or

(2) an alcoholic beverage retailer's ~~or dealer's~~ permit;

of any type to a partnership unless each member of the partnership possesses the same qualifications as those required of an individual applicant for that particular type of permit.

SECTION 7. IC 7.1-3-21-5, AS AMENDED BY P.L.165-2006, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The commission shall not issue:

(1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type;

or

(2) a liquor wholesaler's permit;

to a corporation unless sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a liquor wholesaler's permit to a corporation unless at least one (1) of the stockholders shall have been a resident, for at least one (1) year immediately prior to making application for the permit, of the county in which the licensed premises are to be situated.

(c) Each officer and stockholder of a corporation shall possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 8. IC 7.1-3-21-5.2, AS AMENDED BY P.L.165-2006, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2007]: Sec. 5.2. (a) The commission shall not issue:

(1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type;  
or

(2) a liquor wholesaler's permit;

to a limited partnership unless at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a liquor wholesaler's permit to a limited partnership unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a partnership interest has been a resident of the county in which the licensed premises are to be situated.

(c) Each general partner and limited partner of a limited partnership must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 9. IC 7.1-3-21-5.4, AS AMENDED BY P.L.165-2006, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.4. (a) The commission shall not issue:

(1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type;  
or

(2) a liquor wholesaler's permit;

to a limited liability company unless at least sixty percent (60%) of the membership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a liquor wholesaler's permit to a limited liability company unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a membership interest has been a resident of the county in which the licensed premises are to be situated.

(c) Each manager and member of a limited liability company must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 10. IC 7.1-3-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The provisions of sections 4, 5, 5.2, and 5.4 of this chapter concerning retail ~~and dealer~~ partnerships, corporations, limited partnerships, and limited liability companies shall not apply to the issuance of:

(1) a dining car permit;

(2) a boat permit;

(3) a drug store permit;

(4) a grocery store permit;

(5) a hotel permit;

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- (6) **an** airplane permit;
- (7) an excursion and adjacent landsite permit;
- (8) a horse track permit;
- (9) a satellite facility permit; or
- (10) a retail permit to an establishment:

(A) that is sufficiently served by adequate law enforcement at its permit location; and

(B) whose annual gross food sales at the permit location:

- (i) exceed one hundred thousand dollars (\$100,000); or
- (ii) in the case of a new application and as proved by the applicant to the local board and the commission, will exceed two hundred thousand dollars (\$200,000) by the end of the two (2) year period from the date of the issuance of the permit.

(b) The commission shall not issue a permit listed in subsection (a) to a foreign:

- (1) corporation;
- (2) limited partnership; or
- (3) limited liability company;

that is not duly qualified to do business in Indiana."

Page 2, delete lines 37 through 42, begin a new paragraph and insert:

"SECTION 11. IC 7.1-3-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. ~~Dealers' Permits Limited.~~ (a) The commission may grant: ~~only~~

(1) one (1) beer dealer's permit **in an:**

(A) **incorporated city or town that has a population of less than fifteen thousand one (15,001); or**

(B) **unincorporated town;**

**for each one thousand five hundred (1,500) persons, or fraction thereof, within the incorporated city or town described in clause (A) or the unincorporated town;**

(2) **in an incorporated city or town that has a population of more than fifteen thousand (15,000) but less than eighty thousand (80,000):**

(A) **one (1) beer dealer's permit for each three thousand (3,000) persons, or a fraction thereof; or**

(B) **ten (10) beer dealer's permits;**

**whichever is greater, within the incorporated city or town;**

(3) **in an incorporated city or town that has a population of at least eighty thousand (80,000):**

(A) **one (1) beer dealer's permit for each five thousand**

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**(5,000) persons, or a fraction thereof; or**

**(B) twenty-seven (27) beer dealer's permits;**

**whichever is greater, within the incorporated city or town;".**

Page 3, line 1, delete "unincorporated town;".

Page 3, line 2, delete "(2)" and insert "**(4) one (1)**".

Page 3, line 7, delete "or liquor dealer's permit".

Page 3, line 8, delete "or liquor dealer".

Page 3, delete lines 12 through 37.

Page 5, after line 12, begin a new paragraph and insert:

**"(d) All civil penalties collected under this section shall be deposited in the alcohol and tobacco commission's enforcement and administration fund under IC 7.1-4-10."**

Renumber all SECTIONS consecutively.

(Reference is to SB 339 as printed February 23, 2007.)

RIEGSECKER

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